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EXAMINER CHIBOGU, CHIEDU A				
ART UNIT 3632		PAPER NUMBER		
NOTIFICATION DATE 01/28/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/596,772

Applicant(s)

DO CAMO, SERGE JOSE

Examiner

CHIEDU A. CHIBOGU

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12, 17-19 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/27/2007, 05/14/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

Amendment filed on 11/10/2010, is acknowledged. Claim(s) 1-10, 13, 19 and 20, remain pending in the instant application. Claim(s) 14 and 15, have been cancelled by Applicant. Claims 11, 12, 16-18, remain withdrawn from consideration as being drawn to a non-elected species. New claim(s) 21 and 22, are entered.

Election/Restrictions

1. Newly submitted claim 22, is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly presented claim 22 is directed at a method of steadying a panel on a surface of a vehicle, while the claimed invention by original presentation is/are apparatus invention(s) directed at a displacement device for repositioning a load; and a steadying device on a bracket of a panel perpendicular to a thrust of a fluid.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 22, is hereby withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Accordingly, an Office Action on the merits on claims 1-10, 13 and 19-21 hereby by follows:

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, *the piston-cylinder system of claim 4; the suction cups of claims 7 and 20*, must be shown or the feature(s) canceled from the claim(s).** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. **New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the figures of the drawing are dark such and the reference numbers font sizes are too small that it is difficult to the details of the invention and the reference numbers for corresponding components of the invention. Also certain figures of the drawing are missing arrows for indication the specific element(s) which the reference numbers of the figures are specifically directed to. Further, the figures of the drawings appear to have random lines showing in the figures.** Applicant is advised to employ the services of a competent patent drafts person outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 4, is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4, is directed at **three elastic mounting devices** comprising **a piston-cylinder system**. Firstly, Applicant has failed to show a piston-cylinder system and how this piston-cylinder system will be or can be incorporated with the other components of Applicant's disclosed invention. Secondly, it is unclear how the **three elastic mounting devices** corporate with one another to comprise the **piston-cylinder system**.
Appropriate corrections required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2 and 9, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131

USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1, recites the broad recitation limitation "at least a first support arm and a second support arm" in lines 3-4, and the claim also recites "each support arm having a first end linked to the load, the support arm extending in a direction away from the load" in lines 4-5, which is the narrower statement of the range/limitation. ***Applicant is advised to revise all the claims filed by Applicant for the instant Office Action for other similar correction(s) [for example: claim 2, recites "at least two support arms" in line 3, and then claim 2 also recites "the support arm" in line 5].*** Appropriate correction(s) required.

9. Claim 1, recites the limitation "the support arm" in line 4. There is insufficient antecedent basis for this limitation in the claim. ***Applicant is advised to revise all the claims filed by Applicant for the instant Office Action for other similar correction(s) [for example: claim 2, recites "the support arm" in line 5].*** Appropriate correction(s) required.

10. Claim 1, recites the limitation "whose opposite end" in line 6. The recitation is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ***Applicant is advised to revise all the claims filed by Applicant for the instant Office Action for other similar correction(s) [for example: claim 9, recites "their panel" in line 2].*** Appropriate correction(s) required.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5, 7-10, 13, 20 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes (USP 3392467), in view of Mudryk et al. (USP 6267529 B1).

13. Regarding claim 1, Hawes teaches a displacement device for a repositionable load that is submitted to the thrust of a force, the displacement device comprising:

- at least a first support arm (20 and 32) and a second support arm (20 and 32), each support arm having a first end linked to the load (fig. 1, as defined by 20), the support arm extending in a direction away from the load (fig. 1), and the support arm having a second end (fig. 1, as defined by 32), a removable repositionable fastening device (36), the at least first and second support arms are capable of being configured such that when the force exerts a thrust on the load, at least one elastic mounting device undergoes a compression and at least one elastic mounting device undergoes an extension, while temporarily steadying the load with the displacement device.

Hawes fails to teach:

- the elastic mounting device.

Mudryk et al. discloses a displacement device (fig. 12) for a repositionable load that is submitted to the thrust of a force, the displacement device comprising:

- a support arm (22) having a second end that is coupled to an elastic mounting device (3) whose opposite end is interdependent with a removable repositionable fastening device (34; in view of figs. 12, 4, 6 and 7), and
- the support arm is configured such that when the force exerts a thrust on a load (fig. 12; in view of col. 3, L30-32, wherein the load is defined by the road sign), at least one elastic mounting device undergoes a compression or an extension, while temporarily steadying the load with the displacement device.

It would have been obvious to one having ordinary skill in the art to modify Hawes with Mudryk et al., to provide a means for further improving the invention of Hawes, by providing an elastic mounting device coupled between the removable repositionable fastening device and the respective second ends of the corresponding at least a first and a second support arm of Hawes, to further provide resilient stability to the invention of Hawes, to even more readily absorb varying substantial wind forces and overcome the impact of the wind forces on the invention of Hawes.

It should be noted that though Hawes as modified, is mum on:

- the at least one elastic mounting device explicitly undergoing a compression and the at least one elastic mounting device explicitly undergoing an extension.

It is very well understood within the art that when the force exerts a thrust on the load of Hawes as modified, the at least one elastic mounting device of Hawes as modified, will undergo a compression and the at least one elastic mounting device of Hawes as modified, will undergo an extension, while temporarily steadying the load with the displacement device, ***as made evident by Brecht (USP 5207377, see especially figs. 7-9, wherein the at least first and second support arms are respectively defined by 16 and 20, the load is defined by 18, the at least one elastic mounting device is/are respectively defined by 110, and the respective compression and extension of the at least one elastic mounting device are shown in fig. 9 especially).***

14. Regarding claim 2, Hawes as modified, teaches a steadying device (Hawes fig. 1) on a bracket (Hawes fig. as defined by 20 and 32) of a panel perpendicular (Hawes 31) to a thrust of a fluid, in an appreciably vertical position (Hawes fig. 1), the steadying device comprising:

- at least two support arms (Hawes 20 and 32), each having one extremity linked to the panel (Hawes 20), and the opposite extremity linked to one extremity of an elastic mounting device (Hawes fig. 1; in view of Mudryk et al. figs. 12) whose opposite extremity is interdependent with a removable repositionable fastening device (Hawes 36; in view of Mudryk et al. fig. 12), the support arm extending in a direction away from the panel (Hawes fig. 1, as defined by 32), the elastic mounting device being in a plane different from a plane of the panel (Hawes fig.

1; in view of Mudryk et al. fig. 12), the at least two support arms being configured in such a way that when the fluid exerts a thrust on the panel, at least one elastic mounting device undergoes a compression, and at least one elastic mounting device undergoes an extension, while steadying the panel in its initial position (Hawes fig. 1; in view of Mudryk et al. fig. 12).

15. Regarding claim 3, Hawes as modified, teaches:

- at least three elastic mounting devices (Hawes fig. 1; in view of Mudryk et al. fig. 12).

16. Regarding claim 4, Hawes as modified, teaches:

- the three elastic mounting devices comprise springs (Mudryk et al. fig. 12).

17. Regarding claim 5, Hawes as modified, teaches:

- the three elastic devices comprise a piston-cylinder system (Hawes fig. 1, as defined by Hawes disclosing **three elastic devices** comprise **a piston-cylinder system** as much as Applicant has disclosed the instant limitation).

18. Regarding claim 7, Hawes as modified, teaches:
 - the removable repositionable fastening device comprises a suction cup (Hawes 36).
19. Regarding claim 8, Hawes as modified, teaches:
 - the support arms comprise L-supports having an appreciably triangular shape with one side interdependent with the panel (Hawes fig. 1).
20. Regarding claim 9, Hawes as modified, teaches:
 - the support arms are part of a support plate (Hawes 18) constituted by the arms coupled through their panel interdependent sides (Hawes fig. 1).
21. Regarding claim 10, Hawes as modified, teaches:
 - the panel comprises a double-sided panel (Hawes fig. 1).
22. Regarding claim 13, Hawes as modified, teaches:
 - the support is mobile (Hawes fig. 1).

23. Regarding claim 20, Hawes as modified, teaches:

- the removable repositionable fastening device comprises a suction cup (Hawes 36).

24. Regarding claim 21, Hawes as modified, teaches:

- the first elastic mounting device and the second elastic mounting device are positioned on opposite sides of the panel (Hawes fig. 1).

25. Claims 6 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes, in view of Mudryk et al., as applied to the rejection of claims 1 and 2, above, and further in view of Orlando (USP 3148856).

26. Regarding claim 6, Hawes as modified, fails to teach:

- the removable repositionable fastening device comprises magnets.

Orlando discloses a removable repositionable fastening device (DRAWING), comprising:

- a magnet (14).

It would have been obvious to one having ordinary skill in the art to modify Hawes as modified, with Orlando, by modifying the removable repositionable fastening device of

Hawes as modified, to comprises magnets as disclosed by Orlando, to provide a means for more securely affixing the invention of Hawes as modified, to the roof of the vehicle of Hawes as modified, as a means for improving the safety of using the invention of Hawes as modified, by a user.

27. Regarding claim 19, Hawes as modified, teaches:

- the removable repositionable fastening device comprises magnets (Hawes fig. 1; in view of Orlando DRAWING).

Response to Arguments

28. Applicant's arguments with respect to claim 1-10, 13 and 19-21, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Roycroft Jr William J, (US 2888763 A);
- Henry Legler, (US 2243912 A);
- Hallowell Howard T, (US 1598438 A);

- Thompson Thomas S, (US 2193747 A);
- Cornell Jr Edward S, (US 2254566 A);
- Homer Birge et al., (US 2949324 A);
- Bonnell; Raymond, (US 4792088 A);
- Brecht; Frederick R., (US 5207377 A);
- Andonian; Garbis, (US 5207175 A);
- Levin; Yevgeniy M., (US 6237268 B1);
- Chamel; Didier, (US 6250835 B1);
- Mitsuyoshi, Isuke, (JP 2004333787 A);
- Cervantes, Sr.; Ramiro E., (US 4679652 A);
- Muggli, David, (EP 415194 A2, (A2, A3, (
- Waterhouse; William H., (US D445837 S);
- Nelson Miles W et al., (US 2836914 A);
- Bishop Robert B, (US 2236888 A); and
- Huber; N. F., (US D134528 S), each teach an advertising panel support device and/or an advertising panel support related device.

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIEDU A. CHIBOGU whose telephone number is (571)270-7019. The examiner can normally be reached on Monday - Friday (08.30am - 5.00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571)272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHIEDU A. CHIBOGU/
Examiner, Art Unit 3632

/Terrell Mckinnon/
Supervisory Patent Examiner, Art Unit 3632